

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 12 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

CECILIA AMPARO ALEGRIA MEDINA,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-73037

Agency No. A72-126-812

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted December 5, 2005**

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Cecilia Amparo Alegria Medina, a native and citizen of Guatemala,
petitions for review of the Board of Immigration Appeals' ("BIA") affirmance of
an Immigration Judge's denial of her applications for asylum and withholding of

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to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously finds this case suitable for decision without oral
argument. *See* Fed. R. App. P. 34(a)(2).

removal and for relief under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review the BIA’s decision for substantial evidence and may reverse only if the evidence compels such a result. *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992). We deny the petition for review.

Substantial evidence supports the BIA’s finding that petitioner failed to establish past persecution or a well-founded fear of future persecution based on an enumerated ground. Because petitioner failed to present evidence compelling the conclusion that any mistreatment that she experienced was based on an enumerated ground, she fails to establish eligibility for asylum. *See id.* at 482-83.

Because petitioner failed to establish eligibility for asylum, it follows that she failed to establish eligibility for withholding of removal. *See Singh-Kaur v. INS*, 183 F.3d 1147, 1149 (9th Cir. 1999).

Substantial evidence also supports the BIA’s conclusion that petitioner failed to show that it was more likely than not that she will be tortured if returned to Guatemala. *See Gui v. INS*, 280 F.3d 1217, 1230 (9th Cir. 2002).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741, 750 (9th Cir. 2004).

PETITION FOR REVIEW DENIED.